THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 7923 OF 2006

DATED: 20-04-2006

BETWEEN:

Syed Mohammed Hussain, son of Syed Meer

and another

… Petitioners

And

The Municipal Corporation of Hyderabad,

Represented by the Commissioner

…Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITON NO. 7923 OF 2006

-

ORDER:

Seeking to declare the action of the respondents in not granting building permission for construction of G+1 Floor in the premises No.8-3-659/B, Road No.12, Banjara Hills, Hyderabad as illegal and arbitrary, petitioners filed the present writ petition.

Heard both sides.

It is the case of the petitioners that the first petitioner is the husband and the second petitioner is the wife and each of them have purchased an extent of 693 square yards bearing municipal No. 8-3-659/B, Road No.12, Banjara Hills, Hyderabad, from its lawful owners and possessors M/s. Rusthum Mica Mining Company, Hyderabad wide registered sale deed dated 12-05-2003 bearing document No.1574 of 2003, Sub-Registrar, Banjara Hills, Hyderabad. It is stated that the petitioners have made an application dated

16-12-2003 seeking permission and sanction for construction (extension) of ground floor and first floor in the already existing house by paying requisite amount. Pursuant to the said application, letter dated 20-02-2004 was issued to the first petitioner by the Assistant City Planner, Town Planning Section, Circle-V, Khairatabad directing the petitioners to submit Town Survey and Land Records and Urban Land Clearance from the competent authority. It is stated that pursuant to the said letter, petitioners submitted the TSLR & ULC certificate. It is also stated that the Deputy Director of Survey and Land Records vide proceedings in L.Dis.No.A5/TS/25/2005 dated 27-01-2005 informed that the said property is not found recorded in Town Survey records. However, the surveyor of the office inspected the spot and reported that the said property is located in part of T.S.No.31, Block-K, Ward 12 of Shaikpet village under Col.No.20 of Town Survey Land Register which is recorded in favour of one Sri Hassan Nawaz Jung the total extent of T.S.No.31 is recorded as 21368 square meters. It is stated that the Special Officer and competent authority also vide his letter No.4563/NOC/05 dated 07-02-2006 informed the District Collector that as per the declaration submitted in C.C.No.E2/1717/76 a draft statement under Section 8 (1) and notice under Section 8 (3) was issued provisionally determining the surplus area to an extent of 208.32 square meters and the said place was processed up to 10(6) stage, the declarant filed an appeal and the appellate authority allowed the appeal and set aside the final orders under Section 8(4) of the Act dated 19-09-1994 and all subsequent proceedings of the case. On remand, the case was revised and revised orders were passed under Section 8(4) of the Act declaring the declarant as Non-surplus holder on 13-05-2005. The Legal representatives of the declarant sold the property to M/s. Rustum Mica Mining Co. who in turn sold it to the petitioners herein. It is stated that in spite of complaining the said objections, the application of the petitioners has not been considered and sanction has not been made.

Having regard to the fact that the respondents are hereby directed to consider and dispose of the said application of the petitioners in accordance with law within a period of four weeks from the date of receipt of a copy of this order.

Accordingly, writ petition is disposed of. No order as to costs.

_____

V. ESWARAIAH, J.

Dated: 20-04-2006

rns